



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
07/337,253	04/13/89	PERKO	B

SHI-TEMAN  
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EXAMINER	
SHI-TEMAN	
ART UNIT	PAPER NUMBER
335	3

DATE MAILED:

09/13/89

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined  Responsive to communication filed on \_\_\_\_\_  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1.  Notice of References Cited by Examiner, PTO-892. 2.  Notice re Patent Drawing, PTO-948.  
3.  Notice of Art Cited by Applicant, PTO-1449. 4.  Notice of Informal Patent Application, Form PTO-152  
5.  Information on How to Effect Drawing Changes, PTO-1474. 6.  \_\_\_\_\_

**Part II SUMMARY OF ACTION**

1.  Claims 1-13 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims \_\_\_\_\_ have been cancelled.

3.  Claims \_\_\_\_\_ are allowed.

4.  Claims 1-13 are rejected.

5.  Claims \_\_\_\_\_ are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.

8.  Allowable subject matter having been indicated, formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. These drawings are  acceptable;  not acceptable (see explanation).

10.  The  proposed drawing correction and/or the  proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been  approved by the examiner.  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed \_\_\_\_\_, has been  approved.  disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.

12.  Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other

Art Unit 335

The rissue declaration filed with this application is defective for the following reasons:

- a) It does not make the averments required by 37 CFR 1.63(b) that applicants for reissue (1) have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration; (2) believe the named inventor or inventors to be the original and the first inventor or inventors of the subject matter which is claimed and for which a patent is sought; and (3) acknowledge the duty to disclose information which is material to the examination of the application in accordance with 37 CFR 1.56(a) and 1.175(a)(7), such compliance with 37 CFR 1.63 being required by 37 CFR 1.175(a). (See M.P.E.P. 1414);
- b) Applicant does not supply the date on which the discovery of the error occurred; and
- c) The declaration is inaccurate in stating that an error was made in failure to appreciate the scope of the invention because amendments made to claims in the original case were tantamount to cancelling the subject matter of a plurality of pieces, and an attempt to recapture this subject matter is not incompliance with U.S.C. 251 (see M.P.E.P. 1412.02).

Claims 1-13 are rejected as being based upon a defective reissue declaration under 37 CFR 1.175.

*rc*  
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09/11/89

*Max Hindenburg*

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ART UNIT 335